

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EUMI L. CHOI (WVBN 0722)  
3 Chief, Criminal Division

4 MARK L. KROTOSKI (CSBN 138549)  
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900  
6 San Jose, California 95113  
7 Telephone: (408) 535-5035  
Facsimile: (408) 535-5066

8 Attorneys for Plaintiff

FILED

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RICHARD W. TIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 UNITED STATES OF AMERICA, )  
14 Plaintiff, )  
15 v. )  
16 STEPHEN BROWN, )  
17 aka blahz, aka sab, )  
18 Defendant. )  
19

No. CR 05-00734-RMW

STIPULATION REGARDING  
EXCLUDABLE TIME AND [PROPOSED]  
ORDER

20 It is hereby stipulated and agreed between defendant Stephen Brown, and through his  
21 undersigned counsel, and the United States as follows:

22 On January 5, 2006, <sup>Brown with</sup> ~~three other~~ defendants were arraigned on a six-count indictment,  
23 charging as follows: Count One: Conspiracy to Commit Criminal Copyright Infringement,  
24 Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution  
25 Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual  
26 Works, in violation of 18 U.S.C. § 371; Counts Two through Six: Criminal Copyright  
27 Infringement By Electronic Means and Aiding and Abetting, in violation of 17 U.S.C. §  
28 506(a)(1)(B), 18 U.S.C. § 2319(c)(1) and 18 U.S.C. § 2; and an allegation of Criminal Forfeiture

STIPULATION REGARDING EXCLUDABLE TIME AND [PROPOSED] ORDER  
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1 and Destruction, in violation of 17 U.S.C. §§ 506(b) and 509(a).

2 On December 15, 2005, three other defendants were arraigned on the same indictment, time  
3 was excluded under the Speedy Trial Act, and a status conference was set for <sup>March 6</sup> ~~February 13~~, 2006  
4 at 9:00 a.m. before the Honorable Ronald M. Whyte.

5 In this case, the government is providing initial discovery to the defense. A substantial  
6 amount of discovery consists of digital evidence. The parties stipulate and move the Court to  
7 exclude time under the Speedy Trial Act from the date of the arraignment, January 5, 2006, until  
8 the next status conference on February 13, 2006, because the parties believe that the ends of  
9 justice served by the granting of such a continuance outweigh the best interests of the public and  
10 the defendant in a speedy trial, particularly since reasonable time is needed for the defense to  
11 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).  
12 Additionally, the defendant is joined in the case with others who previously appeared in this case  
13 and no severance has been made, pursuant to 18 U.S.C. § 3161(h)(7).

14 // // //

15 // // //

1 The parties further stipulate that time may be excluded for reasonable time for defense  
2 preparation, since the failure to exclude time would deny counsel for the defendant reasonable  
3 time necessary for effective preparation, taking into account the exercise of due diligence,  
4 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

5 So stipulated..

6 Dated: January 5, 2006

KEVIN V. RYAN  
United States Attorney



MARK L. KROTOSKI  
Assistant United States Attorney

10 So stipulated.

11 Dated: January 5, 2006



ALAN SCHWARTZ  
Attorney for Defendant Brown

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the time between January 5, 2006 and <sup>March 6</sup> ~~February 13~~, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: January 5, 2006

  
PATRICIA V. TRUMBULL  
United States Magistrate Judge